

Pursuant to the recess taken by the Committee of the Whole yesterday, the first order of business this morning is to afford Delegate Clark the opportunity to offer his amendment, which he had offered and then withdrawn.

I believe the amendment is already distributed.

For what purpose does Delegate Gallagher rise?

DELEGATE GALLAGHER: A parliamentary inquiry, Mr. Chairman. May I suggest the absence of a quorum? I do not think we have had a roll call.

THE CHAIRMAN: We have had a roll call.

DELEGATE GALLAGHER: I am sorry.

THE CHAIRMAN: We will take another one in view of the fact that the absence of a quorum is suggested; roll call.

The Clerk will record the roll call.

A quorum being present, the Committee of the Whole is in session.

You have on your desk the amendment which was offered yesterday originally as Amendment No. 52, and then upon request withdrawn by Delegate James Clark.

The amendment will be No. 52 to Committee Recommendation JB-1. The amendment was modified yesterday. Make sure that you have the corrected copy. The Chair will read it as modified: On page 4, section 5.14, Nomination and Appointment in line 45 after the word "vacancy", add this sentence: "If no list or a list with less than the minimum of names is received by the governor within the time specified herein, the governor may fill the vacancy by appointing any eligible person."

The amendment was withdrawn yesterday in order to give the Committee on the Judicial Branch an opportunity to consider it and advise the Committee of the Whole with respect thereto. The Chair recognizes Delegate Mudd.

DELEGATE MUDD: It is my understanding the proponents desire to withdraw the amendment, Mr. Chairman.

THE CHAIRMAN: Delegate Clark.

DELEGATE J. CLARK: Mr. Chairman, in harmony with the request of the Chairman of the Committee, the proponents of this amendment agree to withdraw it.

THE CHAIRMAN: Amendment No. 52 is withdrawn.

We are now at the point under the Debate Schedule where we are considering sections 5.29 to 5.31. The Chair recognizes Delegate Mudd to make a presentation of the committee recommendation on behalf of the Committee.

DELEGATE MUDD: Mr. Chairman, ladies and gentlemen of the Committee, may I first thank you for your kind and long-suffering consideration of the matters so far considered, as per the Committee Recommendation JB-1.

I would like to assure you and hope that I can, that the consideration required of the subject matter now to be presented should not be as difficult or require as much time.

The matter now to be presented to the Committee is administration of the judicial system and the rule-making power of the Court of Appeals.

This subject matter is covered by only two sections of the committee recommendation: section 5.29 and section 5.31.

As the present Constitution provides, our committee recommendation provides that the chief judge of the Court of Appeals shall be the administrative head of the judicial system. The recommendation further provides that the chief judge of the Court of Appeals shall appoint a chief judge of each of the other three court tiers. The chief judge of the intermediate court of appeals, the superior court and the chief judge of the district court should have such administrative duties incident to the overall functioning of the Judiciary as assigned for that purpose.

Our recommendation as further provided in section 29 allows for the appointment of other administrative judges to be charged with such administrative responsibilities as assigned them by the Chief Judge of the Court of Appeals.

These administrative judges shall perform such duties as prescribed by rule of the Court of Appeals, such rules to be adopted pursuant to the rule-making power of the court, as set out in the subsequent section 5.31.

Likewise, the administration of the judicial system obviously contemplates efficient use of the judicial manpower so that the administration of the judicial system allows for the assignment temporarily of any judge to any court as prescribed by rule. This is a necessary integral part of the administrative responsibility and duties